

Message Text

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71

ACTION L-03

INFO OCT-01 ARA-11 ADP-00 JUSE-00 CPR-02 M-03 A-01 CIAE-00

INR-10 NSAE-00 RSC-01 SSO-00 INRE-00 SCA-01 DODE-00

SS-15 NSC-10 NSCE-00 AID-20 IGA-02 RSR-01 /081 W
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O R 292220 Z MAY 73

FM AMEMBASSY BOGOTA

TO SECSTATE WASHDC IMMEDIATE 7684

INFO USARSO CZ

LIMITED OFFICIAL USE BOGOTA 5394

E. O. 11652: NA/ A

TAGS: PFOR, CO

SUBJECT: NOVOA LAWSUIT AGAINST IAGS

REF: BOGOTA' S 4376

DEPT PASS HQDA (DAJA- LTP)

REF: BOGOTA' S 4376

1. POLITICAL COUNSELOR ON MAY 29 PURSUED FURTHER WITH DR. SANCHEZ, FONMIN LEGAL ADVISOR, QUESTION OF IMMUNITY AND POSSIBLE LOSS THROUGH APPEARANCE IN COURT OF AN ATTORNEY REPRESENTING IAGS.

2. SANCHEZ INSISTED THAT UNDER COLOMBIAN PRACTICE IMMUNITY CAN NEVER BE LOST THROUGH THE MERE ACT OF CLAIMING IT. INDEED, HE SAID, THE ONLY WAY TO OBTAIN RECOGNITION OF THE CLAIM IS TO ASSERT IT; THE DANGER EXISTS, ON THE OTHER HAND, HE DECLARED, THAT REFUSAL OF THE USG TO ASSERT ITS RIGHTS BEFORE THE COURTS WILL RESULT IN THEIR LOSS. SANCHEZ STATED CATEGORICALLY THAT THE FONMIN CANNOT REPRESENT THE U. S. GOVT BEFORE THE COURTS AND THAT WE MUST DO SO OURSELVES. HE GAVE ASSURANCES THAT OTHER DIPLOMATIC MISSIONS HAVE RETAINED COUNSEL TO PLEAD IMMUNITY BEFORE LOCAL LABOR COURTS.

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3. SANCHEZ WAS UNWILLING TO SEND A NEW NOTE TO THE FOURTH LABOR COURT INFORMING IT OF IAGS IMMUNITY, BECAUSE THE FOURTH COURT IS MERELY ACTING AS AN AGENT (" POR COMISION") OF THE SECOND LAB OR COURT.

BUT HE DID AGREE TO SEND TO THE FOURTH COURT A COPY OF HIS EARLIER NOTE TO THE SECOND COURT. THE POLITICAL COUNSELOR DELIVERED TO SANCHEZ A FORMAL REQUEST THAT THE COPY BE SENT.

4. THE ASSISTANT ATTORNEY GENERAL FOR ADMINISTRATION WAS GIVEN ACTION ON THE FOREIGN MINISTER' S REQUEST THAT THE ATTORNEY GENERAL INTERVENE TO AVOID A VIOLATION OF DIPLOMATIC IMMUNITY. WE UNDERSTAND THE ATTORNEY GENERAL HAS ASKED THAT AN INVESTIGATION BE MADE OF THE CASE AND THAT A REPORT BE SUBMITTED TO HIM BEFORE THE END OF THIS WEEK.

SACCIO

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*** Current Handling Restrictions *** n/a

*** Current Classification *** LIMITED OFFICIAL USE

Message Attributes

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Disposition Approved on Date:
Disposition Authority: golinofr
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Disposition Date: 28 MAY 2004
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Disposition Reason:
Disposition Remarks:
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